



Montoya, Darlene <dmontoya@nmag.gov>

Policies and Procedures Related to Officer -Involved Shootings and other Use of Force

1 message

Kevin Flamm <kflamm@grantcountynm.com>
To: dmontoya@nmag.gov

Thu, Dec 22, 2016 at 2:02 PM

All Policies were revised when Sheriff Villanueva was elected, the date for revision was (8/11/11)
Policy #2 Use of Force (revised 7/23/15)
Policy #4 Deadly Force & Critical Incidents
Policy #7 Vehicular Pursuit (revised 7/23/15)
Policy #35 Pepper Spray
Policy #47 Use of X-26 Advanced Taser (revised 7/23/15)



Policies 1 thru 63.zip
643K

GRANT COUNTY SHERIFF'S DEPARTMENT

POLICY: 2

SUBJECT: **USE OF FORCE**

Effective: July 23, 2015

Re-evaluation Date:

This policy statement and the procedures there under are intended for department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher level standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis of disciplinary action by the agency. Violations of law form the basis of civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.

I. PURPOSE

The use of force is a serious action and when deciding whether or not to use force, Deputies shall act within the boundaries established by the United States and New Mexico Constitutions, relevant federal, state and local laws and precedents. This use of force policy and all other relevant and related Grant County Sheriff's Department policies, best practices and training, are intended to establish guidelines that when combined with sound ethics and good judgment, provide for lawful application and use of force.

II. POLICY

This Department recognizes and respects the value and special integrity of each human life. In vesting peace officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this Department that all peace officers shall use only that force that is reasonable to effectively bring an incident under control, while protecting the lives of the officer and/or another. A deputy may use deadly force in accordance with this policy and the law, and when all reasonable alternatives appear impracticable or objectively unreasonable.

III. APPLICABILITY

This policy shall apply to all employees and volunteers of the Grant County Sheriff's Department who under the authority or color of law, are authorized or permitted to use force against another person for lawful purposes.

IV. DEFINITIONS

- A. Deadly force: is force that has a substantial likelihood of causing death or serious bodily injury.
- B. Less-lethal force: any force other than deadly force which is designed for or used in a manner so that it creates a lower potential for causing death or great bodily injury than conventional police tactics or traditional deadly force weapons.
- C. Imminent / immediate threat: for the purposes of this policy, the words imminent and immediate are synonymous. "In relation to homicide in self-defense, this term (immediate danger) means immediate danger, such as must be immediately met" (Black's Law Dictionary). Immediate/ imminent means that an action is pending with little or no time spacing. A subject can pose an imminent threat even if he is not at that very moment pointing a weapon at a deputy or other person. For example, an imminent threat may exist if deputies have probable cause to believe any of the following (these examples are not all inclusive):
 - 1. The subject possesses a weapon, or is attempting to gain access to weapon, under circumstances indicating an intention to use it against a deputy or other person; or,
 - 2. When a violent felony suspect is armed with a firearm and running to gain the tactical advantage of cover; or,
 - 3. A subject with the capability of inflicting death or great bodily injury, or otherwise incapacitating a deputy or others, without a deadly weapon, is demonstrating an intention to do so; or,
 - 4. The subject is attempting to escape from the vicinity of a violent confrontation in which the subject inflicted or threatened the infliction of death or great bodily injury, and if the subject were allowed to escape, it would be reasonable to believe that he would continue to pose a danger to deputies or others.
- D. Reasonable belief: when facts or circumstances the deputy reasonably believes, knows, or should know are such as to cause an ordinary and prudent deputy to act or think in a similar way under similar circumstances.
- E. Probable cause: facts and circumstances that would lead a reasonable person to believe that a crime is being committed, has been committed or will be committed.

- F. Objectively reasonable: the legal standard used to determine the lawfulness of a use of force in the Fourth Amendment to the U.S. Constitution (see **Graham v. Connor**, 490 U.S. 386 (1989)). According to Graham the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain, and rapidly evolving, about the amount of force that is necessary in a particular situation. As in other Fourth Amendment contexts, however, the “reasonableness” inquiry in an excessive force case is an objective one: the question is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Therefore, the Grant County Sheriff’s Department examines all uses of force from an objective standard, rather than a subjective standard.
- G. Great bodily harm / injury, serious physical injury or serious bodily harm: an injury to a person which creates a high probability of death, results in serious disfigurement, results in a loss of any member or organ of the body or results in permanent or prolonged impairment of the use of any member or organ of the body.
- H. Suspect/ subject: a suspect is defined as someone who is the target of a criminal action or investigation (i.e. a battery suspect). A subject is defined as any other person that is the target of a law enforcement action and is not a suspect (i.e. an armed / unarmed suicidal subject). Depending on the actions of a “subject” he or she can become a “suspect” if they commit a criminal act.
- I. Deadly weapon: means any firearms or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury.
- J. Less-lethal weapon: is any weapon that when used against another living being, and in accordance with department approved training, has less of a potential of causing great bodily harm or death when compared to a deadly weapon. Some less-lethal weapons can be used as a deadly weapon when target areas such as the high chest, neck, head or groin are intentionally targeted by the operator.
- K. Weapon of opportunity: is any instrument that could be used by a deputy to defend themselves or another against a violent attack. A weapon of opportunity could include, but is not limited to: a stick, vehicle, hammer, glass bottle, pipe, flashlight, sand, a rock, gravity, a knife, a rope, etc.
- L. Excessive Force: is the application of more force than is reasonably necessary at the time; too much force could be applied or the correct amount of force could be applied but for too long of a period of time.

V. PROCEDURES

- A. The use of force, especially force likely to result in serious bodily injury or death (including a firearm), is a serious action. When deciding whether to use force to respond to a perceived threat, deputies shall act within the boundaries of the United States and New Mexico Constitutions and laws, relevant case law, both federal and state, sound ethics, good judgment, this use of force policy or “continuum” and all other relevant Grant County Sheriff’s Department policies, practices and training.

With these values in mind, a deputy shall use only that degree of force that is objectively reasonable under the circumstances and only to effect lawful objectives. A deputy may use deadly force in accordance with this policy and the law, and when all reasonable alternatives appear impracticable or objectively unreasonable.

1. Deputies should ensure that they do not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors that place themselves or others in jeopardy. Additionally, when considering the safety of others, deputies will place the following types of persons/property in the following order of priority (also known as “The Priority of Life”).
 - a. Hostages/ innocent bystanders/ other non-law enforcement first responders
 - b. Law enforcement personnel
 - c. Suspect / subject
 - d. Property
2. As an example to clarify The Priority of Life ranking, in general deputies should not make decisions or take courses of action which would tend to place the safety of a suspect/ subject above that of themselves or another law enforcement officer, innocent bystanders, other first responders, or hostages.

B. Determining Facts and Circumstances

1. Often time’s deputies are asked to make split second decisions that are tense, uncertain and rapidly evolving. Personnel within this department should make themselves familiar with this policy and the law surrounding uses of force consistent with their training. It is not expected that a deputy will think about this policy and all the factors listed within this policy prior to using force during an actual event, but rather the deputy should have a firm understanding of what factors should be considered when using force long before the deputy is placed in a position for use of force. Knowledge is key, and it is the desire of the agency for each employee that is affected by this policy to thoroughly understand use of force law and this policy, so that when it is time to use force against another, that they do so in a manner that is consistent with the law and this policy, and

without hesitation if needed. Determining whether the force used to effect a particular seizure is reasonable under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake. The three main factors that a deputy should consider when using force are:

- a. The severity of the crime at issue;
- b. Whether the suspect/subject poses an immediate threat to the safety of other law enforcement personnel or others and;
- c. Whether the suspect/subject is actively resisting arrest or attempting to evade arrest by flight.

C. Determining Severity Level (this list is not all inclusive)

1. Is the crime of violence or a property crime?
2. Was anyone harmed during the crime? If so, was it to the level of great bodily injury or death or was it a minor injury?
3. Was the suspect armed when he or she committed the crime?
4. Is the crime classified as a misdemeanor or felony?

D. Determining Immediate/Imminent Threat (this list is not all inclusive)

1. Is the suspect/subject currently believed to be armed, and if so, are they currently threatening themselves or others with the weapon or have they done so in the immediate past?
2. Is the suspect/subject in a confrontational stance or showing other signs of aggression towards a deputy or citizen?
3. Is the suspect/subject refusing to comply with lawful commands from the deputy? (I.e., drop the weapon; do not move; show me your hands, etc.)
4. Is the suspect/subject verbalizing threats to the deputy or others?
5. Will the application of force by the deputy in order to overcome the resistance or level of force posed by the suspect / subject unreasonably endanger another citizen or deputy given the circumstances?

E. Determining Active Resistance or Evasion (this list is not all inclusive)

1. Is the suspect/subject resisting or evading arrest by non-compliance with lawful commands from the deputy?
2. Is the suspect/subject resisting apprehension or arrest by using physical force?
3. Is the suspect/subject evading arrest by walking away? Running away? Fleeing in a motor vehicle or other mode of transportation?
4. Is the danger to the public and other deputies greater if the suspect/subject remains uncaptured as a result of their resistance or flight or is there a greater danger to other deputies and/or the public if the deputy uses the proposed level of force to apprehend the suspect/subject?

F. Numbers, Skill and Size Disparities.

1. Occasionally a deputy will be confronted during an encounter by more than one adversary, by an adversary who has been trained to skill level in combat that places the deputy at a disadvantage, or the deputy may be confronted by an individual that is considerably larger in size or stronger than the deputy. Any of these situations can place the deputy using a higher level of force.

G. Managing Risk/Deputy Created Jeopardy.

1. Deputy created jeopardy occurs when a deputy placed himself into a position that requires the deputy to use force, and had the deputy not placed himself into that position or into a position of tactical disadvantage, the force required would not have been used or less intrusive level of force could have been used.
2. Examples of deputy created jeopardy include but are not limited to standing in front of a moving motor vehicle that is moving towards the deputy, that is occupied by a suspect of a criminal act, when there was ample time to move out of the way, but yet the deputy chose to stand his ground and fire into the vehicle striking the suspect and killing him. Another example of deputy created jeopardy would be responding to an armed suicidal subject call at a residence and running into the residence to confront the armed subject instead of trying to deescalate the situation through negotiations from a position of tactical advantage.

H. Moving from a “Show of Force” to a “Use of Force” or Moving From One Type of Force to another Type of Force.

1. Nothing in this policy prevents a deputy from transitioning from one level of force (i.e., the use of pepper spray as an example) to another level of force (i.e., deadly force) if the situation dictates such a transition. There is no requirement that a deputy “escalate” through all levels of force, from the least intrusive level of force to the most intrusive level of force, in order to reach the desired level of force for the particular situation.
2. A deputy may also be required to transition between a show of force to a use of force with the same or different weapon system in a very short time frame.

I. Types of Less-lethal Systems Utilized vs. Level of Threat / Resistance.

1. Listed below are the various systems/techniques that the members of the Grant County Sheriff’s Department may be trained to operate/utilize when dealing with non-cooperative or violent suspects/subjects. If reasonable to do so, and if it would not place the deputy or a citizen at a tactical disadvantage, the deputy should give a warning prior to deploying any type of less-lethal device/system.

a. System Type – Empty Hand Techniques

- 1) Empty hand techniques include the following (list is not all inclusive):
 - (a) Escort position
 - (b) Wrist locks/Twist locks
 - (c) Pressure points
 - (d) Knee/elbow impact counters
 - (e) Arm bar takedowns
 - (f) Impact takedowns

- (g) Ground control techniques
 - (h) Kicking countermeasure
 - (i) Open hand impact techniques
- 2) Empty hand techniques are generally used to overcome the following types of resistance or during the following types of situations, realizing that the appropriate empty hand techniques must be used for the appropriate level of resistance in accordance with department training guidelines (this list is not all inclusive):
- (a) To overcome passive resistance by a subject to lawful arrest or detention by a deputy.
 - (b) To overcome active resistance by a subject to lawful authority or when subject to arrest by a deputy.
 - (c) To gain custody and/or control of subject who unlawfully flees or attempts to evade a deputy in the lawful performance of their duty.
 - (d) When a suspect or subject verbally or physically threatens a deputy when the suspect has the means and ability to complete an assault.
 - (e) Against a suspect or subject that is assaulting a deputy or citizens with personal weapons (hands, feet, teeth, etc.)

B. System Type – Chemical Munitions (Orthochlorbenzalmalononitrile (a.k.a. CS) or Oleoresin capicum (a.k.a OC)

- (1) OC and / or CS can be deployed in the following ways:
- (a) Pyrotechnic combustion
 - (b) Blast dispersion
 - (c) Expulsion
 - (d) Liquid projectile
 - (e) Powder projectile
 - (f) Liquid aerosol
 - (g) Fog

(2) OC and / or CS are generally used to overcome the following types of resistance / or during the following types of situations (this is not all inclusive):

- (a) As a show of force
- (b) When confronted with assaultive behavior (words or actions)
- (c) If attempting to apprehend a suspect/subject that is unlawfully fleeing from the deputy.
- (d) To overcome physical active resistance to a lawful arrest.
- (e) As a means of expelling a suspect/subject from a fortified or barricaded position (i.e., criminal barricade or armed mentally ill subject)
- (f) As a means of detection within a structure
- (g) To control or subdue a threatening animal

C. System Type – Electronic Restraint Device (i.e. Taser)

(1) Electronic Restraint Device can be deployed in the following ways:

- (a) Prong deployment at distance (varies)
- (b) Direct contact (i.e., drive stun)

(2) Electronic Restraint Devices are generally used to overcome the following types of resistance/or during the following types of situations (this list is not all inclusive):

- (a) As a show of force
- (b) When a suspect/subject verbally threatens the deputy when the suspect has the opportunity and ability to complete an assault
- (c) Against a suspect/subject that is assaulting a deputy or citizen with personal weapons (hands, feet, teeth, etc.)
- (d) To control or subdue a threatening animal

D. System Type – Expandable Batons

(1) Expandable Batons can be deployed in the following ways:

(a) In a swinging motion in the expanded position

(2) Expandable Baton is generally used to overcome the following types of resistance/ or during the following types of situations (this list is not all inclusive):

(a) As a show of force to counter a subject who verbally or physically threatens a deputy or other citizen, when the suspect had the opportunity and ability to complete an assault.

(b) Against a suspect or subject that is assaulting a deputy or citizen with personal weapons (hands, feet, teeth, etc.)

(c) To control a counter an aggressive, attacking animal.

J. Deadly Force and Weapons of Opportunity

1. Generally deadly force can be used by a deputy of this agency during the following types of situations (this list is not all inclusive):

a. When a suspect or subject threatens a deputy or a citizen with a deadly weapon and the deputy had probable cause to believe that he or the citizen are in imminent danger of serious bodily harm or death as a result of the posed threat.

b. When a deputy has probable cause to believe a suspect is attempting to escape from the vicinity of a violent confrontation in which the suspect inflicted or threatened the infliction of death or great bodily injury, and if the suspect were allowed to escape, it would be reasonable to believe that he would continue to pose a danger to deputies or others.

c. To kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical and when the use of such force will not unreasonably endanger another person.

d. Imminent danger which may require the use of deadly force may also exist if a deputy had probable cause to believe that:

1) The subject poses a threat of serious physical injury and

2) The deputy has probable cause to believe any of the following:

(a) When a suspect possesses a weapon, or is attempting to gain access to a weapon, under circumstances

indicating an intention to use it against a deputy or other person

- (b) When a violent felony suspect is armed with a firearm and is moving to gain the tactical advantage of cover
- (c) When a suspect(s) with the capability of inflicting death or great bodily injury, or otherwise incapacitating a deputy, without a deadly weapon, is demonstrating an intention to do so
- e. If reasonable to do so, and if it would not place the deputy or a citizen at a tactical disadvantage, and if time allows, the deputy should give a warning prior to deploying deadly force. An example of a warning could be, “Police. Stop or I will shoot” or “Drop the knife/gun or I will shoot.”
- f. In some instances it may be appropriate for a deputy to utilize a weapon of opportunity to defend himself or others. If a deputy becomes disarmed (loss of less-lethal tool or approved firearm), or if a deputy cannot use an approved weapon because of injury or other legitimate reasons, or if a weapon of opportunity is the most reasonable response, a deputy is authorized to use a weapon of opportunity to defend himself or another as long as the weapon used is an objectively reasonable use of force, given the threat posed by the suspect/subject.
- g. Deputies are not authorized to fire “warning” shots. If it is objectively reasonable for a deputy to use deadly force to protect himself or another, then the deputy should apply the force required at that time.

K. Use of Force Reporting

1. A written report prepared by the involved officer, according to Departmental Procedures will be required in the following situations:
 - a. When a use of force results in death or injury.
 - b. When a non-lethal weapon is used on a person.
2. A supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by the Department in the following situations:
 - a. When a use of force results in death or serious injury.

- b. When a subject complains that an injury has been inflicted.
- 3. See Policy # 4 Deadly Force/Critical Incidents for more details.
- 4. The mere act of hand cuffing or placing a subject/suspect in hand cuffs, leg irons or other approved department restraints is not considered a use of force that would require a reporting action, unless the approved restraint device was used in conjunction with an empty hand technique such as a “cuff grab or drag” or using the restraint device as a weapon. Additionally, escorting a complaint subject or arrestee is also not considered a use of force.
- 5. If any deputy with this department witnesses another law enforcement officer utilizing force that is a violation of the law, he or she will immediately intervene to stop the unlawful application of force. Additionally, it is that deputy’s duty to report to his immediate supervisor any acts that he or she witnesses that would constitute an unlawful application of force by any law enforcement officer.
- 6. At the direction of the Sheriff or his designee, if a deputy utilizes force that results in serious physical injury or death, the deputy may be removed from line duties and placed on administrative leave or an alternative assignment pending an investigation of that particular use of force.

L. Department Response:

- 1. Deadly force incident
 - a. The Department shall conduct an administrative investigation of the incident.
 - b. A criminal investigation shall be conducted by an outside Agency selected by the Sheriff.
 - c. See *Policy # 4 Deadly Force/Critical Incidents* for more details
- 2. Administrative review of critical incidents:
 - a. All reported uses of force will be reviewed by the Sheriff and the Department Training Staff to determine whether:
 - 1. Department rules, policy or procedures were violated.
 - 2. The relevant policy was clearly understandable and effective to cover the situation.
 - 3. Departmental training is currently adequate.

- b. All findings of policy violations or training inadequacies shall be reported to the Sheriff for resolutions.
- c. All use of force incidents reports shall be retained by Department indefinitely.
- d. There will be regular review of use of force incidents by the Departmental Training Staff to ascertain training and policy needs.

M. Use of Force Training

- 1. In addition to any required New Mexico Law Enforcement Academy training on use of force, every deputy with this agency will be trained on this policy in its entirety every two years by a use of force instructor within the agency, and in the basic academy prior to being issued an approved firearm.
- 2. Every deputy within the department will be provided a copy of this policy prior to being issued a department weapon.
- 3. Any formal use of force training or remedial use of force training will be documented and cataloged in accordance with this agency's policy on training documentation.

BY ORDER OF

**RAUL D. VILLANUEVA
SHERIFF**

GRANT COUNTY SHERIFF'S DEPARTMENT

POLICY: 4

SUBJECT: **DEADLY FORCE AND CRITICAL INCIDENT
PROCEDURES**

Effective Date:

Re-evaluation Date:

I. PURPOSE

The purpose of this policy is to provide guidelines that shall be uniformly applied to any employee who has experienced or been exposed to deadly force or other critical incidents. This policy has been written in order to safeguard the integrity of the incident and minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

II. POLICY

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that officers involved in deadly force and other traumatic (critical) incidents may develop such stress disorders. It is the responsibility of this department to provide personnel with information on stress disorders, and to guide and assist in their deterrence and to provide information outlining procedures to be followed in the event of a "Deadly Force" incident. Therefore, it shall be the policy of this department to take immediate action after such incidents to safeguard the integrity of the incident as well as the continued good mental health of all involved personnel.

III. DEFINITIONS

- A. Critical Incident: an abnormal event with acute symptoms that taper off if promptly and properly addressed. It has the capacity to generate profound emotion and/or distress, and surpass the affected employee's ordinary coping skill and can impact present and future behavior.
- B. Post-Traumatic Stress Disorder: an anxiety disorder that can result from exposure to short-term severe stress or the long-term buildup of repetitive and prolonged milder stress.
- C. Officer-involved Deadly Force Incident: a line-of-duty incident, which causes death or serious bodily injury to an officer or other person.

IV. PROCEDURES FOR DEADLY FORCE INCIDENTS

A. Involved Officer Procedures for Deadly Force Incidents

1. Render the area safe
2. If the assailant has been wounded, he shall be promptly disarmed, his weapon confiscated and secured as evidence
3. If the assailant is killed, the weapon shall not be moved unless there is a danger of it being stolen or used by someone else.
4. Notify the Shift Commander as soon as possible.
5. When the area is safe and all danger neutralized, the officer shall preserve the condition of the crime scene and all evidence, until the designated investigator arrives.
6. Prior to other officers arrival the officer shall:
 - a. Render aid to the injured and summon medical personnel
 - b. The officer shall not leave the scene to summon assistance
 - c. The officer shall gather information about the deceased or injured, location of weapons and names of people at the scene.
 - d. The officer shall note any items that have been disturbed by medical personnel, citizens, etc.
7. Officer(s) involved shall not make any statements or release any information to anyone other than the investigator assigned, a personal agency attorney or any supervisor in his chain of command.
8. The officer shall not investigate the incident.

B. Supervisor Procedure For Handling of Officers at Scene of Deadly Incident

1. The shift commander shall respond to the scene of the incident, and shall assume primary responsibility in caring for involved officer's

2. He/she will summon a department superior officer (Under Sheriff and/or Sheriff) to the scene.
3. The shift commander is initially responsible for maintaining the integrity of the crime scene and all evidence including the involved officer's weapon. The shift commander shall relieve the involved officer from crime scene security and shall assign appropriate personnel to secure the crime scene.
4. Initially, the involved officer (if not injured) shall be required to remain at the scene of the incident. The shift commander should take the officer to a quiet place away from the scene of the incident.
5. The supervisor shall take the officer(s) weapon(s) into evidence. This should be done away from the public.
6. A peer counselor or other supportive friend or officer shall be with the officer, but should be advised not to discuss detail of the incident.
7. The supervisor shall make appropriate arrangements for all necessary medical treatment and arrange for the department Chaplain or approved mental health professional to respond to the scene.
8. The shift commander shall advise the involved officer(s) not to discuss the incident with anyone except personnel assigned to investigate the incident or a personal or agency attorney or union representative until the conclusion of the preliminary investigation.
9. The supervisor shall ensure that all officers who are directly involved with the incident are tested for drugs, and alcohol as soon as possible.
10. The supervisor shall briefly meet with the involved officers.
 - a. No caffeine or other stimulants or depressants should be given to the officer unless administered by medical personnel.
 - b. Only minimal, preliminary questions should be asked about the incident. The officer should be advised that a more detailed debriefing would be conducted at a later time.

- c. Any standard investigation that will occur concerning the incident should be discussed with the officer.
 - d. The officer should be advised that he may seek legal counsel.
11. Involved officers should notify their families about the incident as soon as possible. Where an officer is injured and unable to do so, an agency official shall personally notify the officer's family and arrange for their transportation to be with the officer.
 12. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.

C. Administrative Procedures for Deadly Force Incidents

1. The superior officer upon arriving at the scene shall contact an outside agency (District Attorney's Office or State Police) to conduct a criminal investigation. An investigator from this department will be summoned to conduct the internal investigation.
2. The scene shall remain secure until the arrival of the outside agency. The scene then will be turned over to the outside agency investigating officer(s) for processing.
3. Officers involved in deadly force shall be immediately placed on administrative leave with pay, until returned to duty by the Sheriff.
4. All officers who are directly involved with the incident shall be tested for drugs and alcohol as soon as possible.
5. All involved officers shall cooperate with all departmental internal investigations as is consistent with departmental rules and regulations.
6. All officers directly involved in the incident shall be referred to a recognized mental health professional for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contract such specialists after a deadly force incident. After the counseling session, the specialist shall advise the agency.

- a. Whether it would be in the officer's best interest to be kept on administrative leave and for how long.
 - b. What will be the best-continued course of counseling.
- 7. The department strongly encourages the families of the involved officers to take advantage of available counseling services.
- 8. All department personnel should be made available to the involved officer(s) for assistance.
- 9. Officers directly involved in a use of force incident involving a firearm shall be issued a replacement weapon of comparable caliber to their duty weapon if their weapon is seized. Prior to returning to duty, the officer must qualify with that weapon prior to their return or re-qualify with their weapon before returning to duty.
- 10. The department shall brief all department employees concerning the incident so any rumors are kept to a minimum. Employees are encouraged to show the involved officer their concern.
- 11. Department personnel shall not discuss the incident with any outside persons including the media. Officers shall refer inquiries from the media to the Sheriff.
- 12. Departmental Instructors should be made available to the involved officer(s) for assistance.
- 13. NO INFORMATION FROM THE INTERNAL INVESTIGATION SHALL BE TURNED OVER TO ANYONE WITHOUT A COURT ORDER, except to the involved officer or their attorney.

V. CRITICAL INCIDENT PROCEDURES

- A. Any employee of the department may experience an incident, event or series of events that could cause stress, or anxiety, which could lead to disabling emotional or physical problems.
- B. Any officers or support personnel who experiences or is exposed to the following type of incidents may be required to have a "stress assessment" performed by a mental health professional, designated by the department:
 - a. Divorce

- b. Death of immediate family or significant other
- c. Defendant in legal action
- d. Any other significant event(s) that may cause damaging levels of stress or anxieties.

VI. DAILY STRESS RECOGNITION

- A. As stress related disorders may not arise immediately, or the employee may be unable to recognize the problem, each supervisor is responsible for monitoring the behavior of all subordinates for symptoms of the disorder.
- B. A supervisor should request the Sheriff to order a stress assessment (as described in this Manual) if he has a reasonable belief that stress may be causing significant emotional or physical problems that adversely affect job performance.

VII. TRAINING

- C. The department shall provide supervisors with training pertaining to critical incident stress and post-traumatic stress disorders and the uniform procedures contained in this policy on a regular basis.
- D. Supervisors are responsible for making available to their subordinates, information about the department's Stress Management Program and referral information on available mental health professionals.

VIII. CONFIDENTIALITY

All information resulting from mental health professional intervention will be kept strictly confidential, except as noted in this policy.

BY ORDER OF

RAUL D. VILLANUEVA
SHERIFF